UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/545
6 May 1994
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 4 MAY 1994 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you of the latest attempts still being made by the Iraqi regime and the methods used by it to evade and circumvent the Security Council resolutions relating to its aggression against the State of Kuwait, in particular Security Council resolutions 687 (1991) and 833 (1993), in order to represent to the world that its obligations are limited to divesting itself of weapons of mass destruction; it then claims to have discharged them and consequently requests the Security Council to lift the economic sanctions against it.

The following facts will perhaps clarify some aspects of those Iraqi attempts and methods:

I. Respect for the sovereignty and independence of Kuwait and its international boundaries

1. After the Iraqi regime and its delegates to the Security Council and to many world capitals realized the fact that, until Iraq committed itself in a public and legally documented manner to respect the sovereignty and independence of Kuwait and its international boundaries, as laid down and guaranteed by Security Council resolution 833 (1993), it would not be able to call for the lifting of the sanctions against it, the Iraqi Deputy Prime Minister then included in his letter of 16 March 1994 to the President of the Security Council a piece concerning Kuwait (p. 7, para. c). However, this piece served to expose once again Iraq's true intentions vis-à-vis Kuwait, its reluctance to accept resolution 687 (1991) unconditionally and its persistence in its course of circumventing the substance of the relevant Security Council resolutions. The following points make this clear:

(a) Iraq is trying to take the issue of Kuwait back to the starting-point. It is assiduously endeavouring to separate the obligations imposed on Iraq by the Council as a consequence of its aggression from the substance and essence of the matter, which is acknowledgement of the sovereignty and independence of Kuwait and respect for its international boundaries.

(b) Iraq is imposing its own terms on the Security Council and demanding that the Council fulfil them before it considers the question of Kuwait. These terms are the following:

(1) Implementation by the Council of paragraph 22 of cease-fire resolution 687 (1991);

(2) Creation of a new climate and an atmosphere suitable for discussion of the question of Kuwait;

(3) The stipulation that the question of Kuwait be considered in accordance with the international rules and laws governing relations between States as contained in the Charter of the United Nations and the Pact of the League of Arab States, once all the prior conditions set forth in paragraphs (1) and (2) are fulfilled.

(c) Although the letter affirms that Iraq has taken the related measures on the question of Kuwait, in accordance with paragraph 2 (a) of resolution 686 (1991), with regard to rescission of the annexation of Iraq to Kuwait, it reneges and contradicts that in the next paragraph, where it states that the question of Kuwait can be discussed at a later time, i.e., that for Iraq the matter has not yet been decided and is not yet finished with!

It is perfectly clear that what is said about Kuwait in the above-mentioned letter of the Deputy Prime Minister of the Iraqi regime disregards the fact that this matter has been settled definitively through operative paragraphs 2, 3 and 4 of resolution 687 (1991) and resolution 833 (1993). Iraq has only to declare its observance of and compliance with them, after a documented declaration to that effect through the customary legal channels.

2. School curricula printed in 1992 and taught in Iraqi schools contain the same fallacies as the ones that we indicated in our previous periodic letter to your esteemed Council on 10 March 1994 (S/1994/284), and no change has been made in the text contained in the geography and history textbooks. Our reference to this matter once again in this letter is merely to emphasize that Iraq's non-acknowledgement of the existence of Kuwait is an established fact as far as the Iraqi regime is concerned, invalidating the claims of the officials of the Iraqi regime that the question of Kuwait is finished for them. It reveals the aggressive intentions harboured by Iraq against Kuwait.

3. Iraq is pretending that its information media have begun to respond to the Security Council's request that they desist from broadcasting the fabrications that they have assiduously issued with regard to the designation of Kuwait. However, this pretence has not been accompanied by any evidence of Iraq's abandonment of its allegations, sophistries and claims. No official Iraqi statement has been issued indicating Iraq's respect for the sovereignty and independence of Kuwait and its boundaries, as laid down in resolution 833 (1993). Consequently, this Iraqi pretence is only a tactical measure followed by the Iraqi regime with the aim of achieving specific gains. Then it has swiftly resumed its previous course. The Security Council should pay heed to this trickery and force Iraq to make a declaration, in legal, documented form, that conforms to the spirit and the letter of operative paragraph 2 of

resolution 687 (1991) concerning respect for the sovereignty and independence of Kuwait and its international boundaries.

4. The Iraqi regime's insistence on not permitting its nationals to receive compensation accords with its position rejecting the conclusions of the work of the Boundary Demarcation Commission, which it documented in its letters to the President of the Security Council and the Secretary-General, contained in documents S/24496 of 27 August 1992 and S/20905 of 8 June 1993, respectively.

The Secretary-General, in his letter (S/1994/240) to the President of the Security Council reported, on the basis of statements by Iraqi officials, that Iraq would not accept compensation, because allowing its citizens to do so would mean acknowledgement of the injustice deliberately imposed on Iraq, by which they meant the question of the boundary demarcation.

The Iraqi regime's responsibility for the refusal of farmers to accept compensation is evidenced by the refusal of the Iraqi liaison officer with the command of the United Nations Iraq-Kuwait Observation Mission (UNIKOM) to accept from the UNIKOM Force Commander the decision of the United Nations with regard to compensation. Moreover, the Iraqi information media have yet to publish the decision as required. In addition, the Mission of the Secretary-General who visited the area and met with Iraqi farmers recently said that many of the farmers had specified that the Iraqi authorities were preventing them from accepting compensation.

5. Despite Iraq's pretence that its media have begun to respond to the Security Council's request to desist from the sophistries that they have customarily broadcast with reference to the designation of Kuwait, this pretence has not found its way even to all Iraqi newspapers. We shall mention some of those sophistries that have occurred since the last review of the sanctions regime last March, as follows:

(a) On 20 April 1994, the Iraqi newspaper Al-Jumhuriyah published an article entitled "Boycott, embargo ... or blockade ... beware of falling into the trap of a word", by the writer Mustafa Tawfiq al-Mukhtar. In the article, he refers to Kuwait as a region and, speaking of the sanctions and Kuwait's inability to pay bribes for the perpetuation of the sanctions, says: "The rulers of the Kuwait and Saudi Arabian region are now in a position where they are not prepared to pay what they were paying two years ago. The Kuwait region alone, according to the latest published figures, anticipates a public debt of more than US$ 32 million."

(b) On 31 March 1994, the Iraqi newspaper Babil published on page 2 an article entitled "Beware of agents", by Abd al-Jabbar Muhsin, Press Secretary to the President of the Iraqi regime. In it, he referred to Kuwait as Kazimah, which is a name applied by Iraq to prove that Kuwait belongs to it. Commenting on the decline in petroleum prices and accusing the United States and the Coalition States of conspiring to destroy the Iraqi economy, he says: "The agents are unceasingly repeating the question 'why is all this happening? what will save us from what we are suffering?' The form of the question makes it appear as though we ourselves had supplied weapons to Iran so that it could fight the United States and as though we were the ones who had conspired against

the dollar and the Kazimah dinar and the price of Kazimah oil and had tried to sabotage the United States economy and the rulers of Kazimah."

This way of confronting the substance of Iraq's obligations constitutes a documented retreat from Iraqi unconditional acceptance of resolution 687 (1991) and outright defiance of the will of the Security Council and the international community. This matter requires that the Security Council tackle it with firmness. Otherwise, the Iraqi regime will be left to disrupt the security and stability of the region through its refusal to respect the sovereignty and independence of Kuwait and its international boundaries in the legal and customary manner.

II. Prisoners and detainees in Kuwait and third-country nationals

1. With regard to this humanitarian question, despite the passage of more than three years since the adoption of Security Council resolution 687 (1991) and its official acceptance by Iraq, no progress has been made. Iraq has so far not discharged its obligations under paragraph 30 of resolution 687 (1991), which requested it to extend all necessary cooperation to the International Committee of the Red Cross (ICRC). Iraq has still not responded to the official request made to it by ICRC for information on 609 individual files despite its prior undertaking to provide a reply on any file within 10 days of receiving such request. (Iraq received the files in question in March 1993.) Iraq continues to refuse to attend the meetings of the tripartite committee made up of members of the Coalition, Iraq and ICRC that deals with the question of prisoners and detainees.

2. In a new attempt to divert this vital issue from its course, the Speaker of the Iraqi National Assembly, Sa'di Mahdi Salih, in a statement issued by him on 17 April 1994, called for the holding of a dialogue with the Kuwaiti National Assembly for the purpose of discussing "all matters pending between the two countries". In his statement, Salih recalled that he had previously proposed to a number of Arab countries that a delegation from the Kuwaiti Parliament should make a visit to Iraq "in order to become cognizant of all the information and facts confirming that reports of the presence in Iraq of detainees from Kuwait is a mere fabrication and a blatant lie".

This new development is but one more attempt added to the record of the Iraqi regime, which is filled with attempts to circumvent Security Council resolutions. On 19 April 1994, the Speaker of the Kuwaiti National Assembly, Mr. Ahmad Abd al-Aziz Al-Sa'dun, issued a communiqué condemning the statement made by the Speaker of the Iraqi National Assembly and affirming the following points:

(a) The resolutions of the Security Council constitute the natural channel for the termination of the many accumulated disputes that have arisen out of the iniquitous Iraqi aggression against the State of Kuwait.

(b) The involvement of third-party Arab States in this humanitarian issue is but a trick aimed at causing a rift in solidarity among brothers and friends.

(c) The invitation of the Speaker of the Iraqi National Assembly to a dialogue with the Kuwaiti National Assembly is merely a covert incitement to dissension aimed at fragmenting national unity.

(d) The statement by the Speaker of the Iraqi National Assembly that "reports of the presence in Iraq of hostages from Kuwait is a mere fabrication and a blatant lie" is itself a fabrication that is refuted by the lists and files containing full information on each prisoner and hostage which Kuwait handed over to the United Nations.

(e) The Kuwaiti General Assembly, which expresses the popular will in the State of Kuwait, reaffirms that it supports the correct policies and positions of the Government and backs all measures taken by it and by the Executive in dealing with the situation arising from the Iraqi aggression against the State of Kuwait and the consequences thereof.

The statement of the Speaker of the Iraqi National Assembly is aimed at complicating and evading the relevant resolutions of the Security Council and the efforts of ICRC. It should be noted also that Kuwait welcomes all efforts that can contribute to the solution of this humanitarian question, provided that such efforts are made in the context of the will of the international community as embodied in Security Council resolution 687 (1991) and all the other relevant resolutions.

III. Return of property seized in the public and private sectors

Despite Iraq's superficial cooperation in this matter, one should not overlook the fact that Iraq's return of property in compliance with its obligations under resolutions 686 (1991) and 687 (1991) is an incomplete implementation of these two resolutions, for the following reasons:

1. Most of the equipment handed over by Iraq had been deliberately sabotaged or wrecked, sometimes just a few hours before the hand-over, rendering it worthless and unserviceable (report of the Secretary-General, document S/1994/243/Add.1, of 11 March 1994.

2. The Iraqi authorities still insist that they are not responsible for returning property estimated at hundreds of millions of dollars that was stolen from the private sector, some of which was burned, while the rest was transported to Iraq, as stated in the inventory documents published by the Iraqi ministries. They were signed and sealed by special governmental bodies, which came to Kuwait to supervise the takeover and transport operations. Kuwait has a number of these documents, which were left behind by the Iraqi regime after the liberation of Kuwait. Paragraph 27 of the report of the Secretary-General contained in document S/1994/243 of 2 March 1994 states that "while a number of claims were submitted, no private property has been returned to Kuwait as of this date".

3. Iraq still refuses to return some Kuwaiti property, in particular, that relating to the components of the OSA air defence system which was stolen and is still in the possession of the Iraqi regime (report of the Secretary-General contained in document S/1994/243/Add.1 of 11 March 1994).

IV. Compensation fund

Iraq has not discharged its obligations with regard to compensation under section E of resolution 687 (1991) and refuses to disclose its holdings of gold and hard currency. It continues to refuse to implement resolutions 706 (1991) and 712 (1991), which constitutes a violation prejudicial to Iraqis and non-Iraqis alike. The humanitarian dimension of this question cannot be ignored.

V. Terrorism

The terrorist activities of the Iraqi regime during the past two years include: an attempt to assassinate ex-President George Bush in Kuwait; the assassination of the Iraqi nuclear scientist in Jordan; and the recent assassination by Iraqi diplomats of the Iraqi dissident in Beirut, which prompted the Lebanese Government to sever its diplomatic relations with Iraq and expel the members of the Iraqi Embassy from Lebanese territory and constituted a flagrant violation of paragraph 32 of resolution 687 (1991). Those terrorist activities confirm that the Iraqi regime still constitutes a threat to regional and international security.

The issues set forth above are clear indicators of Iraq's insistence on continuing to pursue a policy of defiance of Security Council resolutions, inasmuch as the objective of these resolutions is to ensure full respect for the independence and sovereignty of Kuwait and its territorial integrity. The international community must take the necessary measures to guarantee Iraq's compliance with the letter and the spirit of all relevant Security Council resolutions. It is incumbent on the Security Council not to confine its consideration to the impact of Iraq's aggression against and occupation of Kuwait but to deal primarily with the Iraqi motives behind the invasion. In other words, the Security Council must reject any Iraqi claim that it is complying with the relevant Security Council resolutions, as long as it fails to provide, in documentary form and issuing from its highest executive and legislative authority, a declaration of its respect for the sovereignty and independence of Kuwait and its international boundaries under Security Council resolution 833 (1993). Failing that, the practices of the Iraqi regime will constitute an ongoing threat to security and peace in the region.

I should be grateful if you would have this letter circulated as an official document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative